



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

HOUSE WEEK IN REVIEW

The House of Representatives concurred in Senate amendments to **H.4259**, the "**SOUTH CAROLINA MILITARY SERVICE INTEGRITY AND PRESERVATION ACT**", and enrolled the bill for ratification. The legislation establishes a criminal penalty for someone who, with the intent of securing a tangible benefit, knowingly and falsely represents himself through a written or oral communication, including a resume, to have served in the Armed Forces of the United States or to have been awarded a decoration, medal, ribbon, or other device authorized by Congress or pursuant to federal law for the Armed Forces of the United States. A violation is a misdemeanor subject to a fine of up to five thousand dollars and/or imprisonment for up to one year.

The House concurred in Senate amendments to **H.3125**, the "**MICROENTERPRISE DEVELOPMENT ACT**", and enrolled the bill for ratification. The legislation provides for the Department of Commerce to establish the Microenterprise Partnership Program to promote and facilitate the development of microenterprises, which are businesses, whether new or existing, including startup, home-based, and self employment, with five or fewer employees. The legislation establishes a procedure for the Department to award grants to community organizations to make loans and develop loan sources. The legislation provides that appropriated funds may be awarded as a grant to microloan delivery organizations and that such grants must be matched by nonstate funds. The legislation establishes the purpose for which grant funds may be expended and specifies certain provisions that must be in a contract between the Department and a statewide microlending support organization. An annual report must be submitted to the Governor and the General Assembly. The legislation also establishes a fourteen-member **CLEAN ENERGY INDUSTRY MANUFACTURING MARKET DEVELOPMENT ADVISORY COUNCIL** to assist in the development of clean energy technology, materials, and products manufactured in this state. The committee is charged with making a market analysis and recommending incentives or other actions. A final report is due by September 30, 2015, at which point, the committee is set to dissolve.

The House amended, approved, and sent the Senate **H.4791** the "**ELECTRONIC DATA PRIVACY PROTECTION ACT**" to clarify requirements for searches of electronic messages, mobile devices incident to arrest, and obtaining geolocation information. The legislation establishes requirements for law enforcement officers and any other governmental entities to obtain a valid court order or search warrant in order to conduct a search of an electronic device, such as a smart phone or laptop computer, in the possession of an individual incident to a lawful custodial arrest. The restrictions do not apply to searches of abandoned devices, in instances when the owner gives permission, or in exigent circumstances when a search is necessary to prevent physical harm to the officers or other persons, the destruction of evidence, or the escape of a suspect. If a search is performed without a court order or search warrant because of exigent circumstances, law enforcement must provide notification to a court within two business days. The legislation establishes requirements for law enforcement officers and any other governmental entities to obtain a valid court order or search warrant in order to obtain geolocation information revealing the past, present, or projected future location of an electronic device. The restrictions do not apply: when law enforcement is utilizing information that is accessible to the general public; when consent is given by a parent or legal guardian of a minor, vulnerable adult, or person adjudicated to be mentally

incompetent; in requests for emergency assistance; when locating a stolen electronic device with the owner's consent; and, in exigent circumstances when such information is necessary to prevent physical harm to the officers or other persons or the escape of a suspect. When geolocation information is obtained without a court order or search warrant during exigent circumstances, law enforcement must provide notification to a court within two business days, unless the court orders otherwise. The legislation establishes conditions for the issuance of search warrants, court orders, and subpoenas for electronic data, including the contents of and records and other information related to electronic communication held in electronic storage, by a provider of an electronic communications service or a provider of a remote computing service. A governmental entity may not compel an electronic communication service or remote computing service to disclose the content of a user's communications without a valid search warrant or court order. Exceptions are provided that include situations when the owner has given consent and emergency situations involving danger of death or serious physical injury. When electronic information has been obtained without a court order or search warrant during emergency situations, a court must be notified within two business days. The legislation makes provisions for uniform guidelines and training programs on electronic data searches for law enforcement agencies.

The House amended, approved, and sent the Senate **H.3435**, a bill making **REVISIONS TO THE "COMPREHENSIVE HEALTH EDUCATION ACT"**, which encompasses instruction on such subjects as reproductive health, sexually transmitted diseases, pregnancy prevention, and family life education in the state's public schools. The legislation provides for medically accurate instruction in comprehensive health education utilizing information supported by peer-reviewed research that complies with accepted scientific methods, published in or by medical, scientific, psychological, sociological, government, or public health publications, organizations, or agencies such as the United States Centers for Disease Control and Prevention or the United States Health and Human Services Office of Adolescent Health. Under the legislation, school districts must make required reports on their comprehensive health education curriculum or lose one percent of their funding through the State Department of Education until such time as required reports are filed. The legislation requires each local district to publish on its website the title and publisher of any and all health education materials they have approved, adopted and use in the classroom.

The House approved and sent the Senate **H.4061**, a bill to provide for **AGE-APPROPRIATE INSTRUCTION IN SEXUAL ABUSE AND ASSAULT AWARENESS AND PREVENTION** in the state's public schools. This legislation revises the South Carolina Comprehensive Health Education Act by requiring the State Board of Education to select or develop instructional units in sexual abuse and assault awareness and prevention, with separate units appropriate for each age level from four-year old kindergarten through twelfth grade. School districts are required to provide instruction based on these units to all students beginning with the 2014-15 school year.

The House amended, approved, and sent the Senate **H.4665**, a bill relating to **CHILDCARE FACILITIES**. The legislation provides that it is unlawful for a director, owner, operator, caregiver, employee or volunteer of a childcare facility to administer medication to a child under the care of the facility unless the parent or guardian has submitted a signed and dated consent form that authorizes the facility to administer the medication. The medication must be administered as stated on the label directions and the medication cannot be expired. These provisions do not apply to a person who

administers a medication to a child in a medical emergency to prevent the death of or serious bodily injury to the child if the medication is administered as prescribed. A violator is guilty of a misdemeanor and upon conviction must be fined not more than two thousand dollars or imprisoned not more than one year or both. The legislation enhances the oversight authority that the Department of Social Services exercises in the regulation of childcare facilities by authorizing DSS to make unannounced inspections of childcare facilities, including family childcare homes, once a year. Whenever DSS receives a regulatory complaint, the department is required to conduct an unannounced inspection of the childcare facility to investigate.

The House amended, approved, and sent the Senate **H.3532**, legislation charging the Citizen and Legislative Joint Committee on Children, in conjunction with the Governor's Child Care Advisory Board, with the responsibilities of holding **PUBLIC HEARINGS AND COLLECTING DATA AND RESEARCH ON CHILD CARE REGULATIONS** to include dealing with the four hour exemption and summer and recreational camps. They shall provide a report and recommendations to the House Education and Public Works Committee and the Senate Education Committee before January 31, 2015.

The House amended, approved, and sent the Senate **H.4346**, a bill creating a temporary **FOSTER CARE STUDY COMMITTEE** to review the current procedures for foster children, foster parents, and the Central Registry of Child Abuse and Neglect. The legislation provides for the appointment of the Senators and House Members who make up this committee and requires the committee to report its recommendations to the General Assembly January 1, 2015, at which time the study committee must be dissolved.

The House approved and sent the Senate **H.4914**, a bill providing **AUTHORIZATION FOR SCHOOL PERSONNEL TO ADMINISTER MIDAZOLAM INTRANASALLY TO A STUDENT WHO IS HAVING A SEIZURE**. The legislation authorizes school nurses and certain other public and private school personnel who have completed training to administer midazolam intranasally to a student who is having a seizure while on school grounds or attending a school sponsored event. Conditions are established for the authority to administer this medication, including requirements for permission from parents or guardians and prescriptions from physicians. The legislation provides for immunity from legal liability for proper administration of midazolam by school officials and employees.

The House approved and sent the Senate **H.4458**, a bill providing **AUTHORIZATION FOR SCHOOL DISTRICTS TO OFFER DISPLAYS, GREETINGS, AND INSTRUCTION ASSOCIATED WITH TRADITIONAL WINTER CELEBRATIONS**. The legislation provides that a school district may educate students about the history, customs, and symbols of traditional winter celebrations, and may allow students and district staff to offer traditional greetings, such as "Happy Hanukkah", "Happy Holidays", and "Merry Christmas", in conjunction with providing this education. The legislation authorizes a school district to display on school property scenes or symbols of traditional winter celebrations, such as menorahs, nativity scenes, and Christmas trees, so long as the display meets criteria for showcasing multiple religions or incorporating secular symbols alongside religious symbols. These displays must not include a message that encourages adherence to a particular religious belief.

The House amended, approved, and sent the Senate **H.4392**, a bill providing for a **WAIVER THAT ALLOWS A YOUNG DRIVER WITH A SPECIAL RESTRICTED LICENSE TO DRIVE UNSUPERVISED AT NIGHT TO ATTEND CHURCH-RELATED OR SPONSORED ACTIVITIES AND PARENT-APPROVED SPORTS ACTIVITIES**.

Sixteen-year-olds who are issued special restricted driver's licenses are subject to restrictions that require supervision for driving that occurs outside of daylight hours, but this legislation authorizes the Department of Motor Vehicles to waive or modify these restrictions to allow for travel between home and church-related or sponsored activities and parent-approved sports activities. Currently, the DMV is authorized to grant such waivers when the restrictions interfere with travel to school or the workplace. In addition to parent and guardian approval requirements, approval from church representatives or adult sports officials is required for waivers or modifications of restrictions and they apply only to travel within the state of South Carolina.

The House approved and sent the Senate **H.4944**, a bill providing for the extension of the **MULTIPLE LOT PROPERTY TAX DISCOUNTS** that have been provided for homebuilders and property developers during recent years of recession. The legislation eliminates the five-year limit currently imposed on these discounts to allow homebuilders and developers to receive the discounts on unsold lots on an ongoing basis.

The House amended, approved, and sent the Senate **H.3834**, a bill providing for **SOLAR ENERGY SYSTEM INSTALLATION TAX CREDITS**. The legislation provides a credit against income taxes, certain license and premium taxes, and other specified taxes for twenty-five percent of the cost of installing a non-residential solar energy system, with a cap of three hundred thirty-three thousand dollars per system, one million dollars per taxpayer, and total tax credits not to exceed one-half of the taxpayer's tax liability for any year. Credits must be taken in three equal annual installments. The total amount of credits for all taxpayers in a taxable year may not exceed five million dollars. Scheduled to run in conjunction with corresponding federal tax credits, these state tax credits are set to expire at the end of 2016.

The House amended, approved, and sent the Senate **H.3733**, a bill addressing the **VALUE OF GREEN SPACE LAND USE IN ROLL-BACK TAX CALCULATIONS**. The legislation provides that, when calculating roll-back tax due on a parcel of real property changed from agricultural to commercial or residential use, the portion of the property that is designated as 'green space' or 'open space', if this conservation area comprises at least ten percent of the residential or commercial development, must be valued according to its new green space or open space use for all purposes in calculating roll-back tax due on the parcel. The legislation also addresses **PENALTIES FOR MISCLASSIFIED OWNER-OCCUPIED RESIDENTIAL PROPERTY FOLLOWING AN ASSESSABLE TRANSFER OF INTEREST**. The legislation provides that after a parcel of real property has been sold, or has otherwise undergone an assessable transfer of interest, delinquent property tax and penalties assessed because the property was improperly classified as owner-occupied residential property while owned by the transferor are solely a personal liability of the transferor and do not constitute a lien on the property and are not enforceable against the property after the assessable transfer of interest if the transferee is a bona fide purchaser for value without notice. This provision is afforded both prospective and retroactive effect.

The House amended, approved, and sent the Senate **H.4632**, a bill **DESIGNATING THE UNIVERSITY OF CHARLESTON, SOUTH CAROLINA, AS A RESEARCH**

INSTITUTION. The legislation designates the University of Charleston, South Carolina, as a research institution eligible to participate in South Carolina Research Centers of Economic Excellence provisions for endowed chair professorships in research areas targeted to create well-paying jobs and enhanced economic opportunities for the people of South Carolina. The University of Charleston, South Carolina, shall submit a mission statement corresponding with its designation as a research institution before January 1, 2015, and this mission statement must be approved by the Commission on Higher Education before April 1, 2015. The University of Charleston, South Carolina, shall not duplicate any degree programs offered in the Charleston region. The legislation does not alter the designation of the College of Charleston as a four year liberal arts college. The University of Charleston, South Carolina, and the College of Charleston must each be established as separate budget sections in the annual appropriations bill. The legislation also revises Research Centers of Economic Excellence provisions to direct endowed professorships and senior research universities to seek collaboration and develop partnerships with similarly focused programs at the state's technical colleges to meet the workforce demands of South Carolina's growing economy.

The House amended, approved, and sent the Senate **H.4518**, a bill **DISALLOWING THE APPROPRIATION OF LOTTERY PROCEEDS FOR HIGHER EDUCATION CAPITAL IMPROVEMENT PROJECTS**. The legislation provides that, except for use in the South Carolina Higher Education Excellence Enhancement Program, no portion of the state's Education Lottery net proceeds may be appropriated for buildings or other capital improvement projects at or associated with an institution of higher learning.

The House approved and sent the Senate **H.4828**, a bill authorizing the **INCLUSION OF ADMINISTRATIVE LAW JUDGES IN THE STATE'S RETIREMENT SYSTEM FOR JUDGES** by providing that, on July 1, 2014, all administrative law judges who have not retired may elect to become members of the judicial retirement system and transfer prior service into the system.

The House amended, approved, and sent the Senate **H.4607**, the "**TRESPASSER RESPONSIBILITY ACT**". This legislation codifies common law provisions relating to trespassers under which a possessor of land owes no duty to a trespasser except to refrain from causing a wilful or wanton injury. The legislation includes certain protections that relate only to child trespassers. The legislation does not affect any immunities from or defenses to civil liability established by another section of the South Carolina Code of Laws or available at common law to which a possessor of land may be entitled.

The House concurred in Senate amendments to **H.4561** and enrolled the bill for ratification. The legislation authorizes the South Carolina Department of Natural Resources to enter into an **INTERSTATE BOATING VIOLATOR COMPACT** that assists law enforcement in enforcing boating laws on watercraft that cross lines of jurisdiction as they travel through the waters of this state and neighboring states.

The House concurred in Senate amendments to **H.3561**, legislation providing for **ACCOMMODATIONS TAX REVISIONS**, and enrolled the bill for ratification. The legislation revises accommodations tax provisions, to remove amenities, entertainment, and special items in promotional tourist packages from the list of items subject to the five percent tax on additional guest charges. Under the revisions, the tax would continue to apply only to charges for room service, laundering and dry cleaning services, in-room movies, telephone service, and rentals of meeting rooms.

The House concurred in Senate amendments to **H.4644**, a bill **CONFORMING THE SOUTH CAROLINA REAL ESTATE APPRAISERS LICENSE AND CERTIFICATION ACT TO NEW NATIONAL UNIFORM STANDARDS** for licensing, certifying, and recertifying real estate appraisers that provide for new minimum education and experience requirements, and enrolled the legislation for ratification.

The House concurred in Senate amendments to **H.4646**, a bill relating to the **BOARD OF TRUSTEES OF THE GOVERNOR'S SCHOOL FOR SCIENCE AND MATHEMATICS**, and enrolled the legislation for ratification. Under current law, the provost or vice president for academic affairs from Clemson University, the University of South Carolina, and the Medical University of South Carolina serve as ex officio members of the Board of Trustees of the Governor's School for Science and Mathematics. This legislation provides authority for each of these ex officio members from the state's higher education research institutions to designate a person to serve in his place on the board of trustees.

The House approved **S.1194** and enrolled the joint resolution for ratification. This legislation provides **AUTHORIZATION FOR CERTAIN SCHOOL DISTRICTS TO USE SUMMER READING PROGRAM FUNDS TO PARTNER WITH THE STATE DEPARTMENT OF EDUCATION'S SUMMER READING LOSS PREVENTION PROJECT** in order to provide books for free book fairs for summer reading camp-identified students.

The House did not concur in Senate amendments to **H.3198**, a bill providing for **STATE ELECTION COMMISSION OVERSIGHT OF COUNTY BOARDS OF ELECTIONS AND VOTER REGISTRATION**. After the Senate insisted upon its amendments, the House appointed representatives to a conference committee to address the legislative bodies' differences on the legislation.

The House appointed representatives to a conference committee to address the body's differences with the Senate on **H.4482**, a bill **DESIGNATING THE COLUMBIAN MAMMOTH AS THE OFFICIAL STATE FOSSIL** of South Carolina.

The House amended Senate amendments to **H.3124**, legislation which provides **PROTECTIONS FOR REPORTING CHILD ABUSE OR NEGLECT**, and returned the bill to the Senate.

The House did not concur in Senate amendments to **H.4643**, a bill relating to **PROFESSIONAL LICENSING FEES COLLECTED BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION**.

The House amended, approved, and sent the Senate **H.4840**, the "**HIGH SCHOOL EQUIVALENCY DIPLOMA ACCESSIBILITY ACT**" which establishes provisions for the adoption of high school equivalency testing that, in order to broaden accessibility, must be offered not only in a computer format but also in a paper and pen or pencil format that is not dependent on the availability of computer-based technology.

The House amended, approved, and sent the Senate **H.4579**, a bill providing that **STATE UNIFORM TRAFFIC TICKET STATUTES PREEMPT ALL CONFLICTING LOCAL ORDINANCES, RULES, AND REGULATIONS**. The legislation provides that state uniform traffic ticket statutes preempt all local ordinances, rules, or regulations that

alter, amend, or otherwise conflict with a state statute. A political subdivision, county, or municipality may not enact or enforce any such local ordinance, rule, or regulation.

The House approved and sent the Senate **H.4742**, legislation establishing a **PROHIBITION ON FILING FALSE LIENS OR ENCUMBRANCES AGAINST PUBLIC OFFICERS, PUBLIC EMPLOYEES AND THEIR IMMEDIATE FAMILY MEMBERS FOR THE PERFORMANCE OF OFFICIAL DUTIES**. This legislation prohibits filing a false lien or encumbrance in certain public records against the real or personal property of a public officer, a public employee, or an immediate family member of the public officer or public employee for the performance of the official duties of the public officer or public employee when the party filing the lien knows or has reason to know that the lien or encumbrance is false or contains a materially false, fictitious, or fraudulent statement or representation. Violations are felonies. The legislation authorizes a register of deeds or clerk of court to refuse to file a lien or encumbrance when he has a reasonable suspicion that the lien or encumbrance is false, and the legislation limits his liability for this refusal. The legislation provides circumstances when a court may order the filing and establishes exceptions.

The House approved and sent the Senate **H.4399**, a bill **ALLOWING THE ISSUANCE OF PERMIT FOR ON-PREMISES CONSUMPTION OF ALCOHOLIC LIQUOR IF ALL PLAYGROUNDS AND CHURCHES IN THE PROXIMITY AFFIRMATIVELY STATE THAT THEY DO NOT OBJECT** to the issuance.

The House approved and sent the Senate **H.5031**, a bill addressing **MUNICIPAL ELECTIONS**. This legislation provides that before a municipality may adopt an ordinance changing the method of nominating candidates, the municipality must adopt an ordinance requiring an advisory referendum on the proposed change, and a majority of the qualified electors voting in the advisory referendum must approve the proposed change.

The House approved and sent the Senate **H.5005**, a bill regarding the **POWERS AND DUTIES OF MUNICIPALITIES WITH REGARD TO MUNICIPAL WATER SYSTEMS** and other municipal utilities. In light of a 2009 South Carolina Supreme Court ruling, the legislation specifies that no municipality shall be required to conduct a referendum, and obtain a favorable vote, prior to, or as a prerequisite of, the sale of a water system. However, if a municipality chooses to hold a referendum prior to the sale of a water system, it must be conducted in the same manner as other municipal referendums.

The House amended, approved, and sent the Senate **H.4805**, a bill providing for **STATE ELECTION COMMISSION OVERSIGHT OF COUNTY BOARDS OF ELECTIONS AND VOTER REGISTRATION**. The legislation charges the executive director State Election Commission with supervising the conduct of county boards of elections and voter registration and ensuring that those boards and all who are involved in the elections process comply with state voting law requirements and applicable federal law. The State Election Commission is directed to conduct reviews, audits, or other postelection analysis in order ensure compliance and is empowered to assume temporary control over the administrative functions of county boards of elections and voter registration when it finds a board has failed to comply with applicable state or federal law or Election Commission policy regarding the conduct of elections or the voter registration process or when a county board fails to certify the results of an election or referendum within forty-eight hours after the polls have closed. The legislation establishes a statutory

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protocol that a county may use if it chooses to combine its separate election board and voter registration board into a single consolidated board. The legislation also provides clarification under provisions that relate to how a political party may choose to change from nomination of candidates by primary to a method for nominating candidates by convention.

The House approved and sent the Senate **H.5014**. This legislation deletes the various endorsements and restrictions that may be attached to a commercial driver license, and it provides that **ENDORSEMENTS AND RESTRICTIONS MAY BE ADDED TO A COMMERCIAL DRIVER LICENSE AS REQUIRED UNDER THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS**.

The House amended, approved, and sent the Senate **H.3904**. The legislation provides authorization for the Department of Motor Vehicles (DMV) to expand its **ELECTRONIC VEHICLE REGISTRATIONS AND ELECTRONIC LIENS AND TITLING PROGRAMS** to allow for processing of DMV transactions by more third party providers.

The House approved and sent the Senate **H.3598**, legislation updating various references in the code of laws to reflect that the **SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY** is an independent agency and no longer part of the Department of Public Safety.

The House concurred in Senate amendments to **H.3968**, a concurrent resolution proclaiming May 9, 2014, as **SENIOR HUNGER AWARENESS DAY** in South Carolina and encouraging all South Carolinians to learn more about the impact of hunger and malnutrition on the health of our citizens and on the progress of our State, and to work together for a hunger-free South Carolina.

The House reconsidered approval of **H.4457**, a bill providing that **CAMPAIGN FUNDS MAY NOT BE USED TO PAY ETHICS COMMISSION FINES** or any other fines, fees or charges imposed by an appropriate supervisory office, and recommitted the bill to the Judiciary Committee.

The House rejected **H.5044**, a bill **DESIGNATING JONATHAN GREEN AS THE OFFICIAL STATE ARTIST** of South Carolina.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.890 COASTAL ZONE MANAGEMENT REVISIONS Sen. Cleary

This bill makes revisions to coastal zone management provisions. The legislation revises the shoreline forty-year retreat policy, so as to prohibit the seaward movement of the baseline after July 1, 2014 and to eliminate the right of local governments and landowners to petition the Administrative Law Court to move the baseline seaward upon completion of a beach renourishment project. The legislation provides that the Department of Health and Environmental Control's Coastal Division, rather than its Permitting Division, is the division to consider applications for special permits. The legislation facilitates a more expansive use of technologies, methodologies, or structures for addressing beach erosion.

S.1177 PROHIBITED ACTIVITIES ON STATE LAKES AND PONDS OWNED OR LEASED BY THE DEPARTMENT OF NATURAL RESOURCES

AND

DEPARTMENT-OWNED HERITAGE PRESERVES Sen. Gregory

This bill provides that activities prohibited in wildlife management areas are also prohibited on state lakes and ponds owned or leased by the Department of Natural Resources and in department-owned heritage preserves. The legislation eliminates provisions under which the Department of Natural Resources exercises management authority over the lakes and ponds that it owns or leases by establishing terms and conditions for their use by the public through regulations promulgated under the Administrative Procedures Act.

EDUCATION AND PUBLIC WORKS

H.5152 "STUDENT EMPOWERMENT IN COLLEGE GOVERNANCE ACT" Rep. Sellers

This legislation enacts the "Student Empowerment in College Governance Act," relating to the boards of trustees of certain four-year state-supported institutions of higher learning including the University of South Carolina, Clemson University, The Medical University of South Carolina, The Citadel, Winthrop University, South Carolina State University, Lander University, Francis Marion University, and Coastal Carolina University. This legislation adds two members to the board of trustees of each institution to be elected by the student body from its members. This legislation further provides that a student who resides for one semester in the community in which he attends college must be considered qualified to be an elector and may register to vote if he meets certain existing requirements.

H.5196 "SOUTH CAROLINA CHOICE SCHOLARSHIP ACT" Rep. Rivers

This legislation enacts the "South Carolina Choice Scholarship Act" which enables nonprofit organizations to provide scholarships to pay the education costs of a student to attend public schools or nonpublic schools under certain circumstances. The legislation provides that these scholarships may not be treated as income or a resource for the purposes of qualifying for any other federal or state grant or program administered by the state or a political subdivision, and it provides related definitions, criteria, and procedures. The legislation provides that the Department of Education shall administer these provisions and impose related requirements.

JUDICIARY

S.700 WEBSITE PUBLICATION OF ARREST AND BOOKING RECORDS

Sen. Thurmond

This legislation provides that a person or entity who publishes on the person or entity's website the arrest and booking records, including mug shots, of a person who is arrested and booked in South Carolina is deemed to be transacting business in South Carolina. The legislation provides a procedure for removal of the information from the website for persons found not guilty or had proceedings dismissed. Within thirty days of the sending of a written request by a person found not guilty of a charge or had proceedings dismissed, a person or entity shall, without fee or compensation, remove from the person or entity's website any arrest and booking records, including mug shots, of the person found not guilty or had proceedings dismissed. The legislation provides various requirements pertaining to the written request. However, if the original charge against the person is discharged or dismissed as a result of pleading to a lesser offense, the person or entity who publishes the website is not required to remove the records; however, the person or entity shall change any published information to reflect the lesser offense instead of the original charge. A person or entity who publishes a website and violates these provisions is guilty of a misdemeanor, and, upon conviction, must be fined not more than \$500 or be imprisoned not more than thirty days, or both. The legislation allows a person found not guilty of a charge or had proceedings dismissed to file a civil cause of action against a person or entity who publishes a website and violates these provisions.

S.755 PROHIBITION ON OBTAINING OR USING PERSONAL INFORMATION OBTAINED FROM A LOCAL AGENCY FOR COMMERCIAL SOLICITATION

Sen. Thurmond

Current provisions in law prohibit obtaining or using personal information obtained from a state agency for commercial solicitation; this legislation extends the prohibition to include local agencies.

S.843 SCHOOL EMPLOYEE OR VOLUNTEER INTERVENING IN STUDENT HARASSMENT, INTIMIDATION, OR BULLYING

Sen. Cleary

This legislation allows a school employee or volunteer to intervene on behalf of a student subjected to harassment, intimidation, or bullying, including intervening in a physical altercation, but only to the extent reasonable and necessary, to prevent or ease the harassment, intimidation, or bullying. The legislation provides immunity from criminal or civil liability for a school employee or volunteer who reasonably and necessarily intervenes on behalf of a student being subjected to harassment, intimidation or bullying. The legislation further provides that the employer of a person who reasonably and

necessarily intervenes on behalf of a student being subjected to harassment, intimidation, or bullying may not restrict, transfer, suspend, terminate, or otherwise hinder the employment of the individual because of this intervention.

S.988 COUNTY BOUNDARIES Sen. Cromer

This legislation relates to the duties of the South Carolina Geodetic Survey (SCGS) with respect to determining county boundaries. This legislation authorizes and directs the SCGS to clarify county boundaries and mediate boundary disputes between counties by providing a procedure allowing the SCGS administratively to adjust county boundaries. The legislation provides procedures including notice that SCGS must follow in making such adjustments. The legislation provides that an affected party disagreeing with a boundary certified by the SCGS may file a request for a contested case hearing with the South Carolina Administrative Law Court. The legislation further provides that nothing contained limits or restricts the authority of the General Assembly by legislative enactment to adjust or otherwise clarify county boundaries by legislative enactment, however, these boundaries may have been established.

S.1076 RETIRED LAW ENFORCEMENT OFFICERS Sen. Shealy

This legislation relates to identification cards issued to and firearm qualification provided for retired law enforcement personnel. The legislation revises the definition of the term "qualified retirement law enforcement officer" to make it consistent with federal law. Current law allows for a reasonable fee for issuing an identification card; this legislation removes references to charging a fee for issuing the identification card. The legislation makes revisions to terminology to refer to qualified retired law enforcement officers that may carry a concealed weapon in this state if they possess an identification card.

**S.1086 NOTICE OF A BREACH OF SECURITY OF STATE AGENCY DATA
AND NOTICE OF BREACH OF SECURITY OF BUSINESS DATA
Sen. Hayes**

With regards to notice of a breach of security of state agency data, this legislation provides that a delay in notification shall not exceed seventy-two hours after discovery, unless the agency requests and the attorney general grants, in writing, additional delays of up to seventy-two hours each upon a determination that such notification impedes a criminal investigation. With regards to notice of a breach of security of state agency data as well as notice of breach of security of business data, the legislation requires the notice to be clear and conspicuous and include the following: a description of the incident in general terms; a description of the type of personal identifying information that was or is reasonably believed to have been subject to the unauthorized access and acquisition; a description of the general acts of the agency to protect the personal identifying information from further unauthorized access; a telephone number for the agency that a person may call for further information and assistance; and include the toll-free telephone number, addresses, and website address for the South Carolina Department of Consumer Affairs, along with the following statement: 'For information on avoiding and defending against identity theft, you may contact the South Carolina Department of Consumer Affairs'. The legislation deletes a provision allowing an agency or a business to adhere to its own policy.

**S.1093 PROHIBITION ON TELECOMMUNICATION DEVICES IN VARIOUS
CORRECTIONAL INSTITUTIONS Sen. Fair**

Except as authorized by the responsible official in charge of the correctional institution, this legislation provides that it is unlawful to possess within or to introduce into or upon

the grounds of any state correctional institution, county jail, municipal jail, regional detention facility, prison camp, work camp, or overnight lockup facility, any portable or nonportable telecommunication device. A person who violates these provisions for a first offense, when the number of telecommunication devices seized is less than three, is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500 or imprisoned for not more than thirty days, or both. For a second offense, regardless of the number of telecommunication devices seized, or a first offense when the number of telecommunication devices seized is more than two, is guilty of a misdemeanor and, upon conviction, must be fined not more than \$1,000 or imprisoned for not less than six months, or both. For a third or subsequent offense, regardless of the number of telecommunication devices seized, is guilty of a felony and, upon conviction, must be fined not more than \$2,000 or imprisoned for not more than one year, or both.

**S.1207 PERIODS OF CIVIL COMMITMENT Senate Medical Affairs
Committee**

This legislation provides that any ordered period of probation, parole or community supervision is tolled during periods of civil commitment.

H.5153 BREWPUBS Rep. Cole

Relating to general provisions concerning alcohol and alcoholic beverages, this legislation deletes the requirement that an applicant for an alcoholic beverage license or permit must be a legal resident of the state for thirty days prior to applying. Relating to brewpubs, this legislation provides for the distribution of products produced by brewpub permittees, defines a permittee who may hold such permit, allows for consumption only on the permitted premises where the beer is produced, allows for the production on the permitted premises of a maximum of five hundred thousand barrels of beer for sale per year, and allows brewpub permittees to sell beer to licensed wholesalers in South Carolina and nonresident wholesalers and exporters.

LABOR, COMMERCE AND INDUSTRY

S.569 COASTAL PROPERTY INSURANCE Sen. Davis

This bill requires the Director of the Department of Insurance to engage in efforts to provide market assistance and promote consumer education to coastal residential property insurance consumers, including such initiatives as maintaining website information to assist consumers in understanding the general provisions of homeowners insurance policies, providing information on available mitigation discounts and credits, maintaining a list of insurers writing coverage in the area, facilitating premium comparison, and providing information on catastrophe savings accounts. The legislation expands the director's annual reporting requirements regarding the status of the coastal property insurance market. The legislation provides for funding for the implementation of the South Carolina Hurricane Damage Mitigation Program derived from one percent of the premium taxes due to this state by brokers placing property insurance within the eligible surplus lines market and two percent, rather than the current one percent, of the premium taxes collected annually and remitted to the department by insurers licensed to do business in this state. The legislation establishes new notification and disclosure requirements for insurers relating to coastal property insurance programs and issues. The Department of Insurance is charged with conducting a study to assess the feasibility

of the creation of a hurricane model by the state, with particular emphasis on the associated costs and physical/logistical requirements. The study also must assess the benefits to consumers of a South Carolina-produced model, including an evaluation of whether it would yield more accurate assessments of risk and better rates. The department shall summarize its findings in a written report that it must provide to the Senate Banking and Insurance Committee and the House Labor, Commerce and Industry Committee before January 1, 2015.

S.1189 "SOUTH CAROLINA DISTRIBUTED ENERGY RESOURCE ACT"

Sen. Gregory

This bill makes provisions for a South Carolina Distributed Energy Resource Program to promote the establishment of a reliable, efficient, and diversified portfolio of distributed energy resources for the state. Distributed energy resources encompass demand- and supply-side resources that can be deployed throughout the system of an electrical utility to meet the energy and reliability needs of the customers served by that system, such as renewable energy facilities, managed loads (including electric vehicle charging), energy storage, and other measures necessary to incorporate renewable generation resources, including load management and ancillary services, such as reserves, voltage control, and reactive power, and black start capabilities.

**H.5124 911 EMERGENCY SERVICE OBTAINABLE THROUGH
DISCONNECTED OR SUSPENDED RESIDENTIAL TELEPHONE
LANDLINES** Rep. King

This bill makes provisions for 911 emergency service to be obtainable through any residential telephone landline that has been disconnected or suspended by establishing requirements for local exchange carriers to continuously provide a soft dialtone to these disconnected or suspended telephone landlines.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

S.1056 HEARING AIDS Sen. Turner

This legislation provides that no person may engage in the practice of specializing in hearing aids or display a sign or in another way advertise or represent himself as a person who engages in the practice of specializing in hearing aids or offer for the sale of hearing aids through the mail, internet, or other means, unless he holds an unsuspended, unrevoked license issued by the Department of Health and Environmental Control (DHEC) and provides for the direct fitting, sale, and delivery of the products. The legislation provides that nothing prohibits a person from engaging in the business of selling or offering for sale hearing aids through the mail, internet, or other means to distributors, dealers, or specialists licensed in this state. The legislation further provides that nothing prohibits the sale of hearing aids through the mail, internet, or any other means if the sale is made pursuant to the direct prescribed recommendation of a person holding an unsuspended, unrevoked license issued by DHEC.

S.1172 STATE-DESIGNATED CULTURAL DISTRICTS Sen. Nicholson

This legislation provides for the establishment of criteria and guidelines for state-designated cultural districts by the South Carolina Arts Commission.

H.5154 BIRTHING CENTERS Rep. Burns

This legislation revises definitions in regard to the licensing of birthing centers. Current law requires a physician to be on call and available to provide medical assistance at the birthing center at all times that it is serving the public; this legislation provides that a physician must be on call and available to provide medical assistance or consultation to the birthing center at all times that it is serving the public.

WAYS AND MEANS

S.897 SOLICITOR'S OFFICE RETIREE PARTICIPATION IN STATE HEALTH AND DENTAL PLANS Sen. Coleman

This bill provides that a person who retires from employment with a solicitor's office under a state retirement system is eligible to participate in the state health and dental plans by paying the full premium as determined by the board if at least one county in the judicial circuit covered by that solicitor's office participates in the state health and dental plans and the person's last five years of employment prior to retirement are consecutive and in a full-time permanent position with that solicitor's office or another entity that participates in the state health and dental plans. These provisions must be interpreted to provide eligibility to the employee, retiree, and their eligible dependents and are retroactive to January 1, 2012.

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